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11 Attorneys for Defendant,
HUNTER ENGINEERING COMPANY

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

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15 TYRONE CAMPBELL and KIM
16 CAMPBELL,

17 Plaintiffs,

18 v.

19 HUNTER ENGINEERING COMPANY, and
20 DOES 1 to 40,

21 Defendants.

Case No. CV12-03777

STIPULATION FOR ORDER ALLOWING
DEFENDANT HUNTER ENGINEERING
COMPANY TO ADD AN ADDITIONAL
AFFIRMATIVE DEFENSE TO
DEFENDANT'S ANSWER TO
PLAINTIFFS' COMPLAINT AND THAT
DEFENDANT'S ANSWER BE DEEMED
SO AMENDED;

~~[PROPOSED]~~ ORDER ON STIPULATION

1 Defendant HUNTER ENGINEERING COMPANY and Plaintiffs TYRONE
2 CAMPBELL and KIM CAMPBELL hereby stipulate by and through their counsel of record
3 as follows:

4 That the Court enter an order allowing Defendant HUNTER ENGINEERING
5 COMPANY to add the following twenty-seventh affirmative defense to its Answer to
6 Plaintiffs' Complaint and that Defendant's Answer filed in this action on July 18, 2012 be
7 deemed to be so amended:

8 **XXVII**


9 Plaintiffs' damages, if any, were caused or contributed to by the
10 negligence or other wrongful conduct of persons, firms, corporations,
11 governmental entities, governmental agencies, municipalities, or
12 entities other than these answering defendants, including but not
13 limited to Plaintiff Tyrone Campbell's employer, Corinthian Colleges,
14 Inc. dba Wyotech, and, accordingly, the principles of *Witt v. Jackson*
15 (1961) 57 Cal.3d 57 apply so as to apportion liability according to
16 fault and offset against any damages awarded to plaintiffs.

17 Recent discovery conducted in this case has revealed grounds for the assertion of
18 this affirmative defense, based upon the principles of *Witt v. Jackson* (1961) 57 Cal.2d 57,
19 72-73.

20 **IT IS SO STIPULATED.**

21
22 Dated: January 30, 2013.

DONAHUE • DAVIES LLP

23
24 By: 
25 Robert E. Davies, Esq.
26 Mary A. Stewart, Esq.
27 Gregory A. Nelson, Esq.
28 Attorneys for Defendant,
HUNTER ENGINEERING COMPANY

1 Dated: January 30, 2013.

BOSTWICK & JANOFF

2
3
4 By: _____

Jeffrey D. Janoff, Esq.,
Attorneys for Plaintiffs,
TYRONE CAMPBELL and
KIM CAMPBELL

1 ~~[PROPOSED]~~ ORDER ON STIPULATION

2 PURSUANT TO STIPUATION, IT IS SO ORDERED.

3
4 Dated: ~~January~~ __, 2013.
5 February 5

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7 LUCY H. KOH
8 United States District Judge
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7 Attorneys for Defendant,
HUNTER ENGINEERING COMPANY

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

11 -o0o-

12 TYRONE CAMPBELL and KIM
CAMPBELL,

13 Plaintiffs,

14 v.

15 HUNTER ENGINEERING COMPANY, and
16 DOES 1 to 40,

17 Defendants.

Case No. 5:12-cv-03777-LHK

CERTIFICATE OF SERVICE ON
ADVERSE PARTY OF STIPULATION FOR
ORDER ALLOWING DEFENDANT
HUNTER ENGINEERING COMPANY TO
ADD AN ADDITIONAL AFFIRMATIVE
DEFENSE TO DEFENDANT'S ANSWER
TO PLAINTIFFS' COMPLAINT AND THAT
DEFENDANT'S ANSWER BE DEEMED
SO AMENDED; AND

[PROPOSED] ORDER ON STIPULATION

18
19
20 CERTIFICATE OF SERVICE

21 I do hereby certify that I am counsel for the Defendant HUNTER ENGINEERING
22 COMPANY and that I electronically filed the foregoing document,
23

24 STIPULATION FOR ORDER ALLOWING DEFENDANT HUNTER ENGINEERING
COMPANY TO ADD AN ADDITIONAL AFFIRMATIVE DEFENSE TO DEFENDANT'S
25 ANSWER TO PLAINTIFFS' COMPLAINT AND THAT DEFENDANT'S ANSWER BE
DEEMED SO AMENDED;

26 [PROPOSED] ORDER ON STIPULATION
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STIPULATION FOR ORDER ALLOWING DEFENDANT HUNTER ENGINEERING COMPANY TO ADD AN ADDITIONAL
AFFIRMATIVE DEFENSE TO DEFENDANT'S ANSWER TO PLAINTIFFS' COMPLAINT AND THAT DEFENDANT'S ANSWER BE
DEEMED SO AMENDED; [PROPOSED] ORDER ON STIPULATION

1 with the Clerk of the Court using the CM/ECF system which will send notification of such
2 filing to the following:

3 **Counsel for Plaintiffs TYRONE CAMPBELL and KIM CAMPBELL:**

4 JEFFREY D. JANOFF, ESQ. (SBN 107066)

5 BOSTWICK & JANOFF

6 111 West Saint John Street, Suite 1040

San Jose, CA 95113

7 Tel: (408) 286-2300 -- Fax: (408) 286-2303

E-Mail: jdj@bostwickandjanoff.com

8 This 30 day of January, 2013.

9 

10 Robert E. Davies
11 Mary A. Stewart
12 Gregory A. Nelson
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